

SENATE JOURNAL

SIXTY-SEVENTH LEGISLATURE – SECOND CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Monday, May 24, 1982)

In obedience to the Proclamation of The Honorable William P. Clements, Jr., Governor of the State of Texas, the Senate met in the Senate Chamber of the State Capitol in the City of Austin on the twenty-fourth day of May, 1982, at 10:00 o'clock a.m.

The Honorable William P. Hobby, Lieutenant Governor and President of the Senate, called the Senate to order.

QUORUM PRESENT

The President directed the Secretary of the Senate to call the roll of the Senate.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Lcedom, Mauzy, McKnight, Meier, Mengden, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Ogg.

The President announced a quorum of the Senate present.

The Reverend Dr. Gerald Mann offered the invocation as follows:

Our Father, May this special session be adjourned at least ten minutes before the Devil knows it's convened. Amen.

LEAVE OF ABSENCE

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator Brooks.

PROCLAMATION FROM GOVERNOR CALLING SPECIAL SESSION

The President laid out the following Proclamation from the Governor:

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS
41-1854**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to the provisions of Article IV, Section 8, of the Texas Constitution, I, William P. Clements, Jr., Governor of the State of Texas, call a Special Session of the 67th Legislature to be convened in the City of Austin at 10:00 A.M. on the 24th day of May, 1982, for the purposes of proposing a constitutional amendment repealing the state property tax and making a one-time appropriation for construction of new buildings and repair or renovation of existing buildings at universities that benefit from the tax.

The Secretary of State shall take notice of this action and notify the Members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, the 6th day of May, A.D., 1982.

/s/W.P. Clements, Jr.
GOVERNOR OF TEXAS

/s/David A. Dean
Secretary Of State

The Proclamation was read and was filed with the Secretary of the Senate.

SENATE RESOLUTION 1
(Caucus Report)

Senator Mauzy offered the following resolution:

Honorable William P. Hobby
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 30 members of the Senate, the following recommendations were made, to wit:

The following officers were elected to serve for the 67th Legislature, Second Called Session, at the will of the Senate:

Secretary of the Senate - Betty King

Sergeant-at-Arms - Kelly Arnold

Doorkeeper - Lowell Gault

Calendar Clerk - Kay Hughes

Enrolling Clerk - Patsy Spaw

Journal Clerk - Margrette Vellers

Staff Services Clerk - Mary K. McLean

Gerald Mann, Senate Chaplain for the 67th Legislature, Second Called Session, on a non-salary basis.

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 67th Legislature, Second Called Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The Parliamentarian, Camilla Bordie, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as may be necessary. The President of the Senate is authorized to designate any member of the Senate or Senate staff to attend official meetings of the Council of State Governments, or other national governmental organization during the 67th Legislature, Second Called Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips.

It is further recommended that each Senator shall be permitted \$10,000.00 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month. The following classification schedule shall apply for staff employees:

<u>Title</u>	<u>Class Number</u>	<u>Group</u>	<u>Salary and Step Range</u>
Clerk I	0051	02	721(1)- 743(2)- 767(3)
Messenger	0011	02	791(4)- 815(5)- 840(6)
Clerk Typist II	0106	04	815(1)- 840(2)- 866(3)
Stenographer I	0126	04	893(4)- 923(5)- 951(6)
Secretary II	0133	05	981(5)- 1011(6)- 1044(7)
Secretary III	0135	07	1112(5)- 1148(6)- 1184(7)
Admin. Secretary	0138	09	1263(5)- 1305(6)- 1347(7)
Info. Spec. I	1892	14	1537(1)- 1588(2)- 1642(3)
Admin. Tech. I	1501	08	1184(5)- 1223(6)- 1263(7)
Admin. Tech. II	1502	11	1392(4)- 1438(5)- 1487(6)
Admin. Tech. III	1503	13	1537(3)- 1588(4)- 1642(5)
Admin. Tech. IV	1504	15	1753(3)- 1813(4)- 1872(5)
Info. Spec. II	1893	16	1813(2)- 1872(3)- 1935(4)
Attorney III	3533	17	1872(1)- 1935(2)- 1999(3)
Research Asst. II	1517	13	1696(6)- 1753(7)- 1813(8)
ADP Equip. Oper. I	10221	07	981(1)- 1044(3)- 1112(5)
Rep. Equip. Oper. I	0309	09	1112(1)- 1184(3)- 1263(5)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 2,000 Journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily Journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the 67th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, and employees of the Senate committees upon presentation of a payroll account signed by the President of the Senate and the Secretary of the Senate; for payment of employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of said standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,

/s/Mauzy
Chairman of the Caucus

/s/Snelson
Secretary of the Caucus

The resolution was read and was adopted.

STANDING COMMITTEES

The President announced that the Standing Committees of the 67th Legislature would continue for the Second Called Session.

GUEST PRESENTED

The President presented as his guest today Mr. Leonard Rauch, Chairman of The Board of Regents, University of Houston.

SENATE RESOLUTION 3

Senator Mauzy offered the following resolution:

WHEREAS, David William Sarpalius is looking forward to May 24, 1982, with great excitement for he is celebrating his ninth birthday; and

WHEREAS, Senator and Mrs. Bill Sarpalius are the proud parents of this handsome young man who was born May 24, 1973; and

WHEREAS, David's horse holds a special place in his heart and he spends many hours at Cranfills Gap taking care of this fine animal; and

WHEREAS, David's sense of humor and athletic ability have made him highly popular at Northwest Elementary School, where he is a third grader; and

WHEREAS, David enjoys a hard game of T-ball and is a tough opponent in flag football; and

WHEREAS, Scouting also appeals to David and this fine young man dreams of some day becoming an Eagle Scout; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, 2nd Called Session, extend a cheerful happy birthday to David with the hope that all his birthday wishes come true; and, be it further

RESOLVED, That a copy of this Resolution be prepared for David William Sarpalius as a remembrance of his ninth birthday.

The resolution was read and was adopted.

MOTION IN WRITING

Senator Mauzy submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready to transact business.

MAUZY

The motion was read.

Senator Doggett submitted the following substitute for the Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready for business, and requests the Governor's presence to testify at the 11:00 a.m. meeting of the Senate Education Committee and to answer questions concerning the inexplicable reasons for having this Special

Session, and the Senate further notifies the Governor that it will stand at ease pending his arrival.

The substitute Motion in Writing was read.

On motion of Senator Doggett and by unanimous consent, the substitute for the Motion in Writing was withdrawn.

The Motion in Writing by Senator Mauzy was then adopted.

The President announced the appointment of the following as a Committee to Notify the Governor: Senators Doggett, Leedom, Mauzy, McKnight and Snelson.

SENATE NOTIFIED

A Committee from the House appeared at the Bar of the Senate and Representative Washington for the Committee announced that the House of Representatives was organized and ready to transact business.

PRESENTATION OF SENATORS-ELECT

The President noted that two Members of the House committee were Members-elect of the Senate and presented Representatives Craig Washington and Bob McFarland.

MESSAGE FROM THE HOUSE

House Chamber
May 24, 1982

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 2, In memory of former State Representative Preston P. (Pete) Mangum.

H.C.R. 4, In memory of Jerry Sadler, former State Representative and Land Commissioner.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MOTION IN WRITING

Senator Mauzy submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the House that the Senate is organized and ready to transact business.

MAUZY

The motion was read and was adopted.

The President announced the appointment of the following as a Committee to Notify the House: Senators Blake, Kothmann, Santiesteban, Traeger and Vale.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1 by Caperton Intergovernmental Relations
Relating to the creation of a judicial district composed of the counties of Washington, Lee, Bastrop, and Burleson and an appropriation for the salary and expenses of the judge of the court.

S.B. 2 by Snelson Finance
Relating to appropriations and authorizations for the construction of permanent improvements and major repair and rehabilitation projects at certain institutions of higher education.

S.B. 3 by Mengden Jurisprudence
Relating to analyses of initiative and referendum measures.

S.B. 4 by Mengden Education
Relating to the demonstration of achievement as a prerequisite for promotion or graduation in public schools.

S.J.R. 1 by Snelson Education
Amending the constitution to repeal the state property tax.

S.J.R. 2 by Santiesteban Education
Amending the constitution to repeal the state property tax.

S.J.R. 3 by Uribe Education
Proposing an amendment to the constitution authorizing the rescission of the state property tax, forgiving certain previous and future taxes, and establishing a procedure to provide dedicated revenue sources and distribution of revenues for permanent improvements at certain institutions of higher learning.

S.J.R. 4 by Mengden Jurisprudence
Proposing a constitutional amendment to reserve in the people the powers of initiative and referendum.

S.J.R. 5 by Parker Education
Proposing a constitutional amendment to reduce the 10-cent state property tax to 3 cents, to forgive previous property taxes, to establish the higher education endowment fund, and to restructure the permanent university fund.

S.J.R. 6 by Farabee, Glasgow, Santiesteban, Snelson, Howard, Short, Doggett, Caperton, Brooks, Blake Natural Resources
Proposing a constitutional amendment relating to the maximum interest for Texas Water Development Bonds.

S.C.R. 1 by Caperton Administration
Requesting Phillips Petroleum Company to reconsider its decision to build a natural gas processing plant in the Quarry community.

S.C.R. 2 by Mengden Jurisprudence
Memorializing Congress to propose a Constitutional amendment providing for initiative and referendum.

**ELECTION OF PRESIDENT PRO TEMPORE FOR
SECOND CALLED SESSION OF THE SIXTY-SEVENTH LEGISLATURE**

The President announced the election of a President Pro Tempore for the Second Called Session, 67th Legislature as the next order of business.

On motion of Senator Brooks and by acclamation, Senator Walter H. Mengden, Jr., of Houston was elected to serve as President Pro Tempore for the Second Called Session, 67th Legislature.

The President appointed the following Members to escort Senator Mengden to the President's Rostrum: Senators Andujar, Travis, Richards, Harris and Meier.

The President announced the election of Senator Mengden and administered the oath of office to him as President Pro Tempore for the Second Called Session, 67th Legislature.

Senator Mengden expressed his appreciation to the Senate.

SENATE RULE 103 SUSPENDED

On motion of Senator Snelson and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider the following resolutions today:

S.J.R. 1
S.J.R. 2
S.J.R. 3
S.J.R. 5

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **S.B. 2** today.

MOTION FOR ADJOURNMENT

On motion of Senator Brooks the Senate at 10:55 o'clock a.m. agreed to stand adjourned upon the return of the Committees to Notify the Governor and the House that the Senate was organized and ready to transact business.

MEMORIAL RESOLUTIONS

S.R. 2 - By Kothmann, Vale, Doggett, Traeger: Memorial resolution for Robert E. Pugh.

S.R. 14 - By Doggett: Memorial resolution for Woodfin L. Butte.

S.R. 17 - By Doggett: Memorial resolution for Dudley Richard Dobie.

S.R. 18 - By Doggett: Memorial resolution for Samuel A. Edwards.

S.R. 19 - By Doggett: Memorial resolution for William Francis Harris.

S.R. 21 - By Jones, Doggett: Memorial resolution for W. T. Hays, Jr.

S.R. 22 - By Doggett: Memorial resolution for Walter Hill, Sr.

S.R. 25 - By Doggett: Memorial resolution for W. L. "Pup" Kindle.

S.R. 26 - By Doggett: Memorial resolution for former State Representative R. J. "Bob" Long.

S.R. 27 - By Doggett: Memorial resolution for Dr. Stuart A. MacCorkle.

S.R. 28 - By Doggett: Memorial resolution for Dr. Edward McClure.

S.R. 29 - By Doggett: Memorial resolution for John McCurdy.

S.R. 31 - By Doggett: Memorial resolution for Arno "Shorty" Nowotny.

S.R. 32 - By Doggett: Memorial resolution for Dr. Rowland Pettit.

S.R. 34 - By Doggett: Memorial resolution for Mrs. Anne H. Shirriffs.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 4 - By Wilson: Extending welcome to Dr. James R. Sawyers, "Capitol Physician" for the day.

S.R. 5 - By Doggett: Extending congratulations to Pamela Brown.

S.R. 6 - By Doggett: Extending congratulations to Amy Weaver.

S.R. 7 - By Doggett: Extending congratulations to Paul Begala.

S.R. 8 - By Doggett: Extending congratulations to Kim Wallace.

S.R. 9 - By Doggett: Extending congratulations to Curt Summy.

S.R. 10 - By Doggett: Extending congratulations to Beverly Reeves.

S.R. 11 - By Doggett: Commending Malon Allen for his service as an educator.

S.R. 12 - By Doggett: Commending Mary Barefield for her work with the Statewide Project for the Deaf.

S.R. 13 - By Doggett: Extending congratulations to Deron Bissett.

S.R. 15 - By Doggett: Commending Grant Burton for his outstanding service to the State of Texas.

S.R. 20 - By Doggett: Commending Gray Hawn for her contributions to photography.

S.R. 23 - By Doggett: Commending Jim Hoard for his service to the City of Dripping Springs.

S.R. 24 - By Doggett: Extending congratulations to Dr. Lorrin Kennamer.

S.R. 30 - By Doggett: Commending Grace Monroe for her dedicated service to the citizens of Austin.

S.R. 33 - By Doggett: Commending Agnes and Jack Roberts for their service to the City of Austin.

S.R. 35 - By Doggett: Commending Mrs. Ada Simond for her contributions to black culture and history.

S.R. 36 - By Doggett: Commending Opal Washington for her dedicated service to Travis County.

S.R. 38 - By Kothmann: Extending congratulations to Linda Coleman.

ADJOURNMENT

The President announced the Committees to Notify the Governor and the House had returned to the Senate Chamber, having performed the duties assigned to them.

The President discharged the Committees.

According to a motion previously adopted, the President at 11:05 o'clock a.m. announced the Senate would stand adjourned until 10:00 o'clock a.m. tomorrow.

In Memory

of

Harry Shapiro

Senator Jones offered the following resolution:

(Senate Resolution 37)

WHEREAS, Harry Shapiro, chairman of the board of the Lower Colorado River Authority in 1971 and 1981, died at his home in San Saba on Sunday, May 16, 1982, and with his death, the state lost a noteworthy public servant; and

WHEREAS, Initially appointed to the LCRA board in 1967 by Governor John Connally, Mr. Shapiro first served until 1973; he was reappointed to the board by Governor Dolph Briscoe in 1977 and was serving on the board at the time of his death; and

WHEREAS, A well-known community leader in his home of San Saba, he was a former mayor and a past president of the San Saba Chamber of Commerce; and

WHEREAS, Mr. Shapiro was the owner of a San Saba department store, and he served as a director of the Heart of Texas Savings and Loan Association; and

WHEREAS, The exemplary personal qualities, business acumen, and leadership abilities of this outstanding citizen have been an inspiration to all who knew him, and he will be deeply missed by his wide circle of family and friends; now, therefore, be it

RESOLVED, That the Senate of the 67th Legislature of the State of Texas, 2nd Called Session, hereby honor the memory of Harry Shapiro and extend sympathy to the members of his family: to his wife, Beatrice Shapiro; to his daughter, Francene Goodfriend of Houston; to his sons, Howard Shapiro of Plano and Edward Shapiro of Albuquerque, New Mexico; to his brother, Morris Shapiro of Austin; and to his five grandchildren; and, be it further

RESOLVED, That official copies of this resolution be prepared for his family, and that when the Senate of the State of Texas adjourns this day it do so in memory of Harry Shapiro.

JONES
DOGGETT

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.